

NC Regulatory Summary – Animal Feeding Operations

This summary of regulatory requirements within North Carolina related to Animal Feeding Operations begins in 1991. Other historical regulatory action is well summarized in Soil Science Notes Number 3, a publication by the NC State Soil Science Department.

1991 Senate Bill 386, S.L. 1991-403 – Willful Discharge Act

- Farm operator may be fined up to \$5,000 for willful or deliberate discharge of pollutants to surface waters of the state.

1992 Water Quality Non-Discharge Rules (15A NCAC 2H.0200)

- Set threshold numbers for animal operations to register with NC Division of Environmental Management (DEM) by Dec 31, 1993.
- Established deemed permit status for farms not meeting threshold numbers and not discharging to surface waters.
- Required waste plan to be developed and implemented by December 31, 1997.
- First setbacks: facilities 100 ft and land application 25 ft buffer from perennial waters

1995 Livestock and Poultry Waste Storage Pond/Lagoon Inspections

- Inspect all waste storage ponds/lagoons for capacity levels and dam integrity by 7/21/95 by USSA-NRCS, Cooperative Extension Service (CES), Division of Soil and Water Conservation (DSWC), or Soil and Water Conservation Districts (SWCD).
- DEM to visit all farms over 500 animals with a lagoon and those flagged during preliminary check

1995 Senate Bill 1080, S.L. 1995-420 – Swine Farm Siting Act

- Established siting requirement
- Setbacks: barns/lagoons 100 ft from property boundary; land application 50 ft from residential property boundary or from perennial streams.

1995 Senate Bill 974, S.L. 1995-544 – Swine Waste Treatment Operator Training and Certification

- Swine waste operators must attend training and pass certification test
- Annual fee for operators - \$10

1995-96 Blue Ribbon Study Commission on Agricultural Waste

- Governor, Speaker of the House, and President Pro-Tem of the Senate each appointed six members to study and make additional recommendations

1995 Senate Bill 1217, S.L. 1995-626 – Act to Implement Recommendations of the Blue-Ribbon Study Commission on Agricultural Waste

- Established general permits requirement – phase in of permitting to begin Jan. 1, 1997
- CAWMP requirements
- Required annual inspections by DEM (now Division of Water Resources-DWR) and annual operations review by DSWC
- Established fee schedule for permits
- Expanded operator requirements to have continuing education

- Barns lagoons built after Oct 1, 1996 must be 500 ft from residential property boundary
 - Notification of all adjoining property owners and those located across a public street, road, or highway before construction of swine farm
- 1997 Senate Bill 352, S.L. 1997-443**
- Creation of Pilot Program for DSWC to perform compliance inspections in two counties
- 1997 Senate Bill 352, S.L. 1997-443 – Budget Bill**
- Animal Waste Compliance Report
- 1997 House Bill 515, S.L. 1997-458 – Clean Water Responsibility & Environmentally Sound Policy Act**
- Moratorium on new/expanding swine farms
 - Established agricultural zoning authority by counties.
 - Requires graduated violation points system for swine operators
- 1998 House Bill 1480, S.L. 1998-188 – Swine Integrator Registration and Moratorium Extension Act**
- Farm owner must register their integrator affiliation with DWQ
 - Extended moratorium on new/expanding swine farms using anaerobic lagoon as primary method of treatment
- 1999 House Bill 1160, S.L. 1999-329 – Clean Water Act of 1999**
- Extended moratorium until 2001
 - Extends/expand Pilot program
 - Inventory inactive lagoons
 - Increased civil penalties for violations of water quality laws.
 - Required public notification for discharges of waste
- 2001 House Bill 1312, S.L. 2001-254**
- Extends moratorium until 2003
- 2003 Senate Bill 593, S.L. 2003-266**
- Extends moratorium until 2007
- 2006 15A NCAC 02T .1300**
- 2H rules from 1992 were reformatted into 02T rules. Section .1300 – Animal Waste Management Systems.
- 2007 Senate Bill 1465, S.L. 2007-523 – Swine Farm Env. Performance Standards**
- Makes permanent the moratorium on new/expanding swine farms that use anaerobic lagoons as primary waste treatment
 - Requires new or expanding swine farms satisfy environmental performance standards.
 - Required rule-making to establish the performance criteria to satisfy the environmental performance standards.
 - Established Lagoon Conversion Program
 - Established Swine Farm Methane Capture Pilot Program

- 2007 Senate Bill 3, S.L. 2007-397 – Promote Renewable Energy/Baseload Generation**
 - Established requirements for renewable energy from swine and poultry waste.

- 2009 15A NCAC 02T .1307-.1309 and 15A NCAC 02D .1808**
 - Establishes performance criteria for new/expanding swine operations and for the Lagoon Conversion Program

- 2011 House Bill 22, S.L. 2011-391 – Budget Technical Corrections**
 - Eliminated requirement for annual operations review by DSWC

- 2011 Senate Bill 501, S.L. 2011-118 – Swine House Renovations/Site Limits**
 - Updates Siting Act to address renovations

- 2012 Senate Bill 810, S.L. 2012-187 – Regulatory Reform Act of 2012**
 - A reference to “discharge” or “discharge of waste” shall not be interpreted to include “emission”

- 2013 Senate Bill 209, S.L. 2013-228 – Eliminate Unnecessary Soil Testing**
 - Changed soil sampling requirements from annual to at least once every three years.

- 2013 House Bill 74, S.L. 2013-413 – Regulatory Reform Act of 2013**
 - Required review of all rules
 - Allows for cattle facilities operating below the permitting threshold for three years or more to request rescission of their permit without closure of waste storage structures.

- 2014 House Bill 366, S.L. 2014-103 – NC Farm Act of 2014**
 - Requires that all complaints against agricultural operations be confidential unless the Department determines that a violation has occurred
 - Requires Department to adopt rules developing a system for receiving, investigating, and responding to environmental complaints about agricultural operations in accordance with G.S. Article 2A, Chapter 150B – Administrative Procedures Act

- 2014 Senate Bill 734, S.L. 2014-120 – Regulatory Reform Act of 2014**
 - Definition of discharge of waste – making it apply to contested cases

- 2015 Senate Bill 513, S.L. 2015-263 – NC Farm Act of 2015**
 - Changed definition of new animal waste operation
 - Changed the period of time a farm can be depopulated and be allowed to restock under existing permit without modification or being considered new.

- 2018 Update to 15A NCAC 02T Rules for Wastes Not Discharged to Surface Waters**
 - Effective Sept 1, 2018.
 - Added 02T .1310 for Distribution of Animal Waste Residuals